

TITLE 180 CONTROL OF RADIATION

CHAPTER 18 FEES FOR CERTIFICATES OF REGISTRATION, RADIOACTIVE MATERIAL(S) LICENSES, ENVIRONMENTAL SURVEILLANCE, EMERGENCY RESPONSE AND OTHER REGULATORY SERVICES.

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TITLE 180 CONTROL OF RADIATION

CHAPTER 18 FEES FOR CERTIFICATES OF REGISTRATION, RADIOACTIVE  
MATERIAL(S) LICENSES, ENVIRONMENTAL SURVEILLANCE,  
EMERGENCY RESPONSE AND OTHER REGULATORY SERVICES

18-001 SCOPE AND AUTHORITY:

18-001.01 This chapter establishes the fees for licensing, registration, environmental surveillance and implementation, emergency planning, emergency response and implementation, and other regulatory services and provide for their payment. The regulations are authorized by and implement the Nebraska Radiation Control Act, Neb. Stat. Rev. sections 71-3501 to 3519.

18-001.02 Except as otherwise specifically provided, the rules and requirements in this chapter apply to any person who is

1. An applicant for, or holder of:
  - a. A radioactive material license issued pursuant to 180 NAC 3, 5, 7, 11, 12, or 16; or
  - b. A certificate of registration for radiation machines/facilities and/or services issued pursuant to 180 NAC 2 or 5.
2. The holder of a fixed nuclear facility construction permit or operating license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR Part 50; or
3. The operator of any other fixed nuclear facility under a license issued by the U.S. Nuclear Regulatory Commission Pursuant to 10 CFR Parts 30, 31, 32, 33, 34, 35, 40 and/or 70.
4. The operator of any other nuclear facility.
5. The operator of any facility that during the course of operation results in the release of radioactive material to the environment.

18-002 DEFINITIONS: For the purposes of 180 NAC 18, the following definitions apply:

Carrier means any common carrier, contract carrier, private carrier, railway freight carrier or railway express carrier handling, storing or transporting radioactive material.

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Emergency Planning, Emergency Response and Implementation means the development and application of those capabilities necessary for the protection of the public and the environment from the effects of an accidental or uncontrolled exposure dose or release of radioactive materials, including the equipping, training and periodic retraining of emergency response personnel.

Environmental Surveillance and Implementation means the development and application of those capabilities necessary to assess the radiological impact of activities conducted by licensees and registrants on public health and safety and the environment.

Facility means any facility other than that defined in this subsection.

Fixed Nuclear Facility means:

Any nuclear reactor(s) at a single site;

Any facility designed or used for the assembly or disassembly of nuclear weapons;

Any other facility using or possessing source material, special nuclear material, byproduct material and/or any other radioactive material for which the agency conducts off-site environmental surveillance to protect the public health and safety or the environment.

Shipper means a person who packages the radioactive material and presents the package for transport.

### 18-003 EXEMPTIONS

18-003.01 No application or annual fee shall be required for any common carrier, contract carrier, private carrier, railway freight carrier, or railway express carrier handling, storing or transporting any of the materials described in the Radiation Control Act in the ordinary course of such carrier's business.

18-003.02 No fee shall be required for the Department of Health and Human Services Regulation and Licensure.

### 18-004 PAYMENT OF FEES

18-004.01 Application fees: Each application for a license or certificate of registration for which a fee is prescribed shall be accompanied by a non-refundable fee equal to the appropriate annual fee, except as otherwise specified in 180 NAC 18 or that an application for a license covering more than one fee category shall be accompanied by the prescribed fee for the highest fee category.

1. An application for a certificate of registration shall be accompanied by the base fee and the total fee for all applicable categories.

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2. No application will be accepted for filing or processing prior to full fee payment, as specified, and the application will be returned to the applicant.
3. All application fees will be charged irrespective of the Agency's disposition of the application or a withdrawal of the application.

18-004.02 Annual Fees for Licenses, and Certificates of Registration

1. A non-refundable fee, pursuant to 180 NAC 18-005, 18-006, 18-007 or 18-008 shall be paid annually for each radioactive material license and for each certificate of registration or radioactive material certificate of registration, which ever is applicable, is required.
  - a. The fee shall be paid in full each year on or before the last day of the expiration anniversary month of the license or certificate of registration.<sup>1</sup>
2. In the case of a single license which authorizes more than one category of use, only one fee shall be paid.
3. A non-refundable fee, pursuant to 180 NAC 18-005 or 18-008, shall be paid annually for each radioactive material license and/or certificate of registration, which ever is applicable, for radiation services and/or servicing.
  - a. The fee shall be paid in full each year on or before the last day of the expiration (anniversary) month of the certificate of registration.<sup>2</sup>
    - (1) In the case of a single registration which authorizes more than one category of use, the applicable fee for each category shall be paid.
4. A non-refundable fee, pursuant to 180 NAC 18-008, shall be paid annually for each certificate of registration for radiation machines.
  - a. The fee consists of a base fee for all registrants plus a fee for each machine possessed.
  - b. The machine fee is modified by the inspection interval (years between routine inspections) of the facility category as specified in Appendix 18-A. The formula for calculation is as follows:

$$\text{Annual Fee} = \frac{\text{Base Fee} + (\text{Sum of Machine and/or Service Fees})}{\text{Inspection Interval(s)}}^3$$

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<sup>1</sup>Example: If the license or certificate of registration expires on June 30, 1992, annual fees are due on or before June 30, of each year.

<sup>2</sup>Ibid. p. 18-3

<sup>3</sup>An example of a fee calculation is shown in Appendix 18-B.

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5. An application for an amendment to a license or certificate of registration which results in a change to a category with a higher fee shall result in a fee being charged equal to the prorated difference between the fee for the current category and the one to which the amended license or certificate will escalate.
  - a. The prorated costs shall be based on monthly intervals and will be charged from the first day of the month the amendment is effective until the end of the current billing period.<sup>4</sup>
  - b. The agency will bill the licensee or registrant.
  - c. The replacement of part(s) for an existing radiation machine will not result in an additional fee.

18-004.03 Reciprocity Fees

1. Each application for reciprocal recognition of an out-of-state license under 180 NAC 3-028 shall be accompanied by the applicable annual fee
2. Each application for recognition of an out-of-state registration under 180 NAC 2-012 shall be accompanied by the applicable annual fee, provided that no such fee has been submitted within 12 months of the date of commencement of the proposed activity.

18-004.04 Environmental Surveillance Fees

1. Each holder of a fixed nuclear facility construction permit or operating license, or an operator of any other fixed nuclear facility, or any other facility as defined in 180 NAC 18-002 shall submit the fee pursuant to 180 NAC 18-019 for services received.
2. This fee shall recover for the, Department of Health and Human Services Regulation and Licensure, the expenses arising from environmental surveillance and implementation activities.
3. Payment shall be made within 90 days following the date of invoice.

18-004.05 Emergency Planning, Emergency Response and Implementation Fees

1. Each holder of a fixed nuclear facility construction permit or operating license, or an operator of any other fixed nuclear facility, or any other facility as defined in 180 NAC 18-002 shall submit the fee, pursuant to 180 NAC 18-010, for services received.
2. This fee shall recover for the Department of Health and Human Services Regulation and Licensure, the expenses arising from emergency planning, emergency response and implementation activities.
3. Payment shall be made within 90 days following the date of invoice.

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<sup>4</sup>Example: If a waste processing license amendment to change the licensee's classification from Class A to Class B becomes effective July 1, 1985, and the expiration month of the license is December, the licensee will be billed.

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18-004.06 Method of Payment

1. Fee payments shall be by check or money order made payable to the Department of Health and Human Services Regulation and Licensure.
2. The payments may be made by personal delivery to the office, State of Nebraska Department of Health and Human Services Regulation and Licensure in Lincoln, Nebraska, or mailed to the, Department of Health and Human Services Regulation and Licensure, 301 Centennial Mall South, P.O. Box 95007, Lincoln, Nebraska 68509.

18-005 SCHEDULE OF ANNUAL FEES FOR RADIOACTIVE MATERIAL LICENSES

- |   |            |
|---|------------|
| 1. Uranium Recovery - See 180 NAC 18-006 Schedule of Fees for Uranium Recovery Facility Licenses.   |            |
| 2. Low-Level Radioactive Waste Management - See Schedule of Fees for Low-Level Radioactive Waste Management Licenses.   |            |
| 3. Manufacturing/Processing of Radioactive Material   | \$4,830.00 |
| 4. Industrial Radiography   | \$2,925.00 |
| 5. Broad License (Educational and/or Medical)   | 14,300.00  |
| 6. Irradiator, Unshielded During Irradiation  | \$4,960.00 |
| 7. Nuclear Pharmacy   | \$3,815.00 |
| 8. License for Distributor to distribute to persons generally licensed, persons exempt from licensing and/or persons specifically licensed.                                   | \$1,950.00 |
| 9. Commercial collection and laundry of items contaminated with radioactive, byproduct, source or special nuclear material.   | \$1,425.00 |
| 10. Manufacturer and distribution of encapsulated radioactive material, byproduct, source, or special nuclear material in a device that uses decay heat as a source of power. | \$3,460.00 |
| 11. Wireline Service Operations   | \$1,145.00 |
| 12. Irradiator, Self-Contained  | \$1,075.00 |
| 13. Mobile Scanning   | \$1,495.00 |
| 14. Nuclear Medicine/Brachytherapy  |            |

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a. 180 NAC 1-007.34, item a, 7-036 and/or 7-040	\$1,495.00
b. 180 NAC 180 NAC 7-046 and/or Remote Controlled Brachytherapy Device	\$1,495.00
15. Teletherapy (180 NAC 7-052)	\$1,495.00
16. Research and development (Human Use).	\$1,495.00
17. Processing or manufacture and distribution of radiopharmaceuticals by other than a nuclear pharmacy.	\$840.00
18. Possession and use of radioactive materials (Ra-226) in luminous paint or products containing such paint.	\$1,000.00
19. Sealed Sources for Diagnosis (180 NAC 7-044)	\$850.00
20. Research and Development (Non-Human Use)	\$850.00
21. Educational (Instructional Only)	\$865.00
22. Industrial Gauge	\$850.00
23. Emergency Management (Civil Defense)	\$790.00
24. Services (e.g. Leak Testing, Instrument Calibration, Gauge Installations or Maintenance)	\$850.00
25. Gas Chromatograph Detector	\$790.00
26. Other Specific License.	\$790.00
a. If license involves use of radioactive material at temporary job sites, an additional fee of:	\$95.00
b. If license involves use of radioactive material in other than sealed source form, an additional fee of	\$60.00
27. Additional permanent sites where radioactive material is stored or used under same license 20% of applicable fee not to exceed an additional 100%	
28. General license which requires registration.	\$70.00
29. Reciprocity	
a. Industrial Radiography	\$2,160.00
b. Wireline Service Operations	\$660.00



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- c. Mobile Scanning \$765.00
- d. Industrial Gauge \$230.00
- e. Services \$235.00
- f. Gas Chromatograph Detector \$255.00
- 30. Review of a device, product, or sealed source containing radioactive, byproduct, source or special nuclear material for which no prior review has been performed. Each device, product or sealed source shall be considered an individual review.<sup>5</sup> \$2,400.00
- 31. Application for New License<sup>6</sup>
  - a. License of type listed in 3 through 10 above. \$1,910.00
  - b. License of type listed in 11 through 18 above. \$1,525.00
  - c. License of type listed in 19 through 26 above. \$955.00
- 32. Agency-Approved Training Courses<sup>7</sup> \$350.00

18-006 SCHEDULE OF FEES FOR URANIUM RECOVERY FACILITY LICENSES<sup>8</sup>

18.006.01 Annual Fees

<u>Category</u>	<u>New Application</u>	<u>Operational Year Including Renewal</u>	<u>Restoration or Reclamation Only</u>	<u>Long Term Care</u>
1. In Situ	\$109,200	\$109,200	\$87,360	\$65,000
2. Disposal only	\$104,000	\$104,000	\$87,360	\$65,000

<sup>5</sup>This fee shall be considered a one-time fee which is to be submitted upon the initial review request. Each and any modifications to the device product or sealed source would require a new review and the appropriate fee must be paid.

<sup>6</sup>The fee for new license application is a one-time fee for application review which is valid as long as the application is not abandoned.

<sup>7</sup>The fees for course approvals applies to all training courses regardless of who is offering such courses. There is a one-time fee for course review which is valid as long as the original course remains unchanged. Courses qualifying for deemed status shall not be subject to fee.

<sup>8</sup>Examples of the fee calculation are shown in Appendix 18-C.

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18-006.02 Adjustments to Annual Fees

1. If additional non-contiguous uranium recovery facility sites are authorized under the same license, the appropriate annual fee shall be increased by 20 percent for each additional site.
2. Facilities proposing to conduct or conducting irrigation or surface discharge shall pay the following additional annual fee for each irrigation plot or surface discharge point:

<u>New Application</u>	<u>Operational Year</u>	<u>Restoration or Reclamation Only</u>	<u>Long Term Care</u>
\$3,435.00	\$4,300.00	\$3,435.00	\$2,580.00

18-006.03 One-time Fee Adjustments for the addition of items listed below after an Environmental Assessment has been completed on a facility, a one-time fee corresponding to the item shall be paid:

1. New In Situ Uranium Recover Facility.....\$35,875.00
2. In Situ Well Field on Non-Contiguous Property.....\$35,875.00
3. In Situ Satellite .....\$35,875.00
4. Well Field on Contiguous Property.....\$14,295.00
5. Irrigation/Surface Discharge.....\$3,345.00
6. Non-Vacuum Dryer.....\$25,315.00

18-006.04 In addition to any other fees, in 180 NAC 18-006, prior to the issuance of the license the applicant shall deposit with the state cash, negotiable government securities, or an irrevocable assignment of certificates of deposit for Site Closure and Reclamation Cash Fund in the amount of \$5,000.

18-006.05 The licensee shall pay annually, in addition to all other fees in 180 NAC 18-006 an amount specified in 180 NAC 18-006.01 for deposit by the State Treasurer in the Nebraska Department of Health and Human Services Regulation and Licensure, Radiation Long-Term Care Cash Fund.

18-006.06 Interpretive Rules and Definitions

1. "Contiguous" properties are those locations adjacent to an existing licensed or permitted area.
2. A "new in situ uranium recover facility" is one which has one or more well fields, an ion exchange uranium recovery facility, and facilities for concentrating yellow cake.

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3. Once facilities under a license have entered restoration or reclamation, the appropriate annual fee will continue to be the restoration/reclamation annual fee (subject to adjustment for non-contiguous sites) without regard to whether the license term is subject to renewal.
4. The one-time fee adjustment shall apply only to those facilities not licensed as of the effective date of these regulations.

18-007 FEES FOR LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT PURSUANT TO 180 NAC 12

18-007.01 License Processing Fees:

1. A fee shall be assessed from license applicants to process, issue, amend or renew licenses including amendments for the purpose of site closure and stabilization.
2. In determining the fees, the Agency shall calculate and itemize the direct costs associated with license evaluation, processing, and monitoring, including application review, meetings and correspondence with the license applicant, license research and drafting time, necessary travel, technical and administrative review of the drafted license, clerical preparation of the license and related tasks, advertising costs for public notice, review of public comments, hearing costs, license processing fee billing, and final license issuance. The Agency shall apply the current indirect rate to its total direct wages and salary expenses. This method is the approved agency-wide procedure for recovering indirect costs from its federal programs.
3. The Agency shall maintain itemized records of staff time and costs incurred in the processing of a license application. License processing fees shall apply without regard to whether a license is issued, denied or requested to be inactivated prior to issuance or thereafter.
4. Each application for a license shall be accompanied by a filing fee of two-hundred seventy-five thousand dollars (\$275,000.).
5. All fees shall be made payable to the Nebraska Department of Health and Human Services Regulation and Licensure.
  - a. Where the fees assessed in accordance with 180 NAC 18-007.02, item 2 above are less than the filing fee set forth in 180 NAC 18-007.01, item 4 above, the Agency shall refund the balance to the applicant.
  - b. Where the fees assessed in accordance with 180 NAC 18-007.01, item 2 above exceed the filing fee set forth in 180 NAC 18-007.01, item 4 above, the applicant shall be billed the balance.

18-007.02 Annual License Administration Fees

1. An administration fee shall be assessed to licensees based upon direct and indirect costs annually during the term of operation and during site closure and stabilization until the license has been terminated.
2. In determining the annual fees, the Agency shall calculate and itemize the cost of monitoring the licensed facility, inspections of the facility or other site visits, reviewing the compliance of facilities with the associated license conditions, general

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- legal costs incurred by the Agency, or other tasks related to administering the license program.
3. The Agency shall maintain itemized records of staff time and costs incurred in the administration of a license.
  4. An annual fee of \$200,000 shall be made payable to the State of Nebraska Department of Health and Human Services Regulation and Licensure and shall be due July 1.
    - a. Where the fees assessed in accordance with 180 NAC 18-007.02, item 2. above are less than the fee set forth in 180 NAC 18-007.02, item 4. the Agency shall refund the balance to the licensee.
    - b. Where the fees assessed in accordance with 180 NAC 18-007.02, item 2. above exceed the fee set forth in 180 NAC 18-007.02, item 4. above, the licensee shall be billed the balance and shall pay the balance within 30 days of receipt.

18-007.03 Fees charged under 180 NAC 18-007.01 and 18-007.02 are for the purpose of reimbursing the Agency for direct and indirect costs and are not for the purpose of meeting any financial assurance requirements set out in 180 NAC 12, which financial assurance requirements must be met in addition to all fees being paid.

18-007.04 Institutional Care and Control Monitoring

1. In addition to any other fees, in 180 NAC 18-007, prior to the issuance of the license, the applicant shall pay a fee for the purpose of providing funds in the event of a default by the licensee to provide adequate funds to comply with regulations and license conditions and to maintain health and safety standards. The fee for commercial storage and disposal of low-level radioactive waste is to be invested and the principal and interest applied to the Long-Term Care Cash Fund of institutional care and control monitoring, which shall mean the maintenance of decommissioned structures, facilities and grounds and the environmental monitoring to assure no releases of entombed materials to the environment for the lifetime of entombed materials. The applicant shall pay the amounts specified below:
  - a. Commercial Storage/Disposal .....\$10,000,000
  - b. Incineration .....\$3,000,000
  - c. Compacting .....\$3,000,000
  - d. Storage or Processing
    - Class A Storage or Processing Facility.....\$ 1,000,000
    - Class B Storage Facility.....\$2,000,000
    - Class B Processing Facility .....\$3,000,000
    - Class C Storage and Processing Facility.....\$5,000,000

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2. In addition to the initial fee set out in 180 NAC 18-007.04, item 1 licensees shall pay an annual fee as specified below:

Commercial Storage/Disposal .....	\$250,000
Incineration .....	\$35,000
Compacting .....	\$20,000
Processing .....	\$20,000
Receipt of Packaged Waste (Broker) .....	\$5,000
Handling/Packaging Waste (Broker) .....	\$10,000

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3. Additional fee for Commercial Storage/Disposal of radioactive waste.
  - a. In addition to the annual fees charged to Commercial Storage/Disposal licensees in 180 NAC 18007.04, item 2, a fee of \$3.00 per cubic foot of radioactive waste received, possessed, stored or processed from other persons shall be assessed.
  - b. The fee per cubic foot of radioactive waste shall be increased by the amount of \$.50 per cubic foot commencing two years after the date of issuance of the license, additional increases of \$.50 per cubic foot shall be added on the biennial anniversary date of the license thereafter until termination.
  - c. Fees assessed under this section shall be paid to the Agency no later than the tenth day of each month following the month of collection.
4. All fees collected under 180 NAC 18-007.04 shall be deposited into the State of Nebraska Department of Health and Human Services Regulation and Licensure, Radiation Long-Term Care Cash Fund.

18-007.05 Interpretive Rules and Definitions

1. Radioactive waste processing and storage facilities are classified according to the radionuclides, received, possessed, or processed and the total possession limit shall not exceed the quantities specified in 180 NAC 13 Table A-1 Column A<sub>1</sub> or A<sub>2</sub>. The Class possession limits are as follows:
  - a. Class A facility not to exceed the Column A<sub>2</sub> quantity.
  - b. Class B facility not to exceed the Column A<sub>1</sub> quantity.
  - c. Class C facility quantities in excess of those specified in Column A<sub>1</sub>.

18-008 SCHEDULE OF ANNUAL FEES FOR CERTIFICATES OF REGISTRATION FOR RADIATION GENERATING EQUIPMENT:

Base Fee..... \$ 25.00

<u>Category of Machine (Radiation Generating Equipment)</u>	<u>Fee Per Unit</u>
1. Accelerator .....	\$115.00
2. Airport Baggage X-ray .....	\$70.00
3. Electron Beam Welding.....	\$70.00
4. Chiropractic .....	\$70.00
5. CT Scanners .....	\$70.00
6. Dental Diagnostic .....	\$20.00
7. Radiographic/Fluoroscopic Combination.....	\$70.00
8. X-Ray Diffraction .....	\$40.00
9. X-Ray Fluorescence.....	\$40.00
10. Fluoroscopy Diagnostic.....	\$70.00
11. Fluoroscopy X-Ray - Industrial .....	\$70.00
12. Industrial Gauge - X-Ray.....	\$70.00

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13. Ion Implantation Device.....	\$70.00
14. Medical Diagnostic X-ray.....	\$70.00
15. Electron Microscope.....	\$70.00
16. Package X-Ray .....	\$70.00
17. Particle Size Analyzer - X-Ray (Analytical) .....	\$70.00
18. Podiatric Diagnostic - X-Ray .....	\$40.00
19. Spectroscopy/Spectrography X-Ray .....	\$70.00
20. Therapeutic X-Ray .....	\$70.00
21. Veterinary Diagnostic X-Ray .....	\$40.00
22. Radiography Cabinet X-Ray (per registration) .....	\$70.00
23. Industrial Radiography - In-Plant Only (per registration) <sup>9</sup> .....	\$240.00
24. Industrial Radiography - Temporary Field Site Authorization (per registration) <sup>10</sup> .....	\$300.00
25. Research and Development.....	\$80.00
26. Registration of Out-of-State radiation generating equipment brought into Nebraska for temporary use .....	Annual Fee of Applicable Category
27. Reciprocity.....	Annual Fee of Applicable Category
28. Other Registered Sources.....	\$95.00

<u>Category of Service</u>	<u>Annual Fee Except As Stated Otherwise</u>
1. Assembler/Installer - Radiation Generating Equipment .....	\$85.00
2. Facility Shielding Review.....	\$85.00
3. Calibration - Radiation Generating Equipment.....	\$85.00
4. Demonstration/Sales .....	\$85.00
5. Health Physics Services	
a. Any Combination of two (2) of the Above .....	\$170.00
b. Any Combination of three (3) of the Above .....	\$250.00
c. Any Combination of four (4) of the Above.....	\$300.00
6. Personnel Monitoring Services.....	\$ 95.00

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<sup>9</sup>Those registrants possessing a radioactive material license and industrial x-ray equipment, the fee is reduced two-thirds.

<sup>10</sup>Ibid. p. 18-14

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18-009 ENVIRONMENTAL SURVEILLANCE FEES: Whenever the Agency conducts environmental surveillance the following fees shall be charged:

Category	Fees per Analysis Type
1. Air Filter	
Gross Alpha.....	\$20.00
Gross Beta .....	\$20.00
Gross Alpha/Beta .....	\$25.00
Gamma Scan .....	\$60.00
2. Charcoal Cartridge	
Gamma Scan .....	\$60.00
Iodine 131.....	\$60.00
3. Silver Zeolite Cartridge	
Gamma Scan .....	\$60.00
Iodine 131.....	\$60.00
4. Water (Surface/Ground)	
Gross Alpha.....	\$20.00
Gross Beta .....	\$20.00
Gross Alpha/Beta .....	\$25.00
Gamma Scan .....	\$60.00
Tritium .....	\$25.00
Iodine 131.....	\$60.00



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Strontium 89/90 .....	\$90.00
Strontium 90 .....	\$90.00
Radon .....	\$50.00
Total Uranium .....	\$40.00
Thorium .....	\$90.00
Total Radium .....	\$40.00
Radium 226 .....	\$55.00
Radium 228 .....	\$55.00
5. Milk	
Strontium 89/90 .....	\$90.00
Strontium 90 .....	\$90.00
Gamma Scan .....	\$60.00
Iodine 131 .....	\$60.00
6. Food Product and Vegetation	
Gamma Scan .....	\$60.00
Iodine 131 .....	\$60.00
Strontium 89/90 .....	\$90.00
Strontium 90 .....	\$90.00
7. Soil and Sediments	
Gross Alpha .....	\$20.00
Gross Beta .....	\$20.00
Gamma Scan .....	\$60.00
Strontium 89/90 .....	\$90.00
Strontium 90 .....	\$90.00
8. Biota	
Gamma Scan .....	\$60.00
9. Any Other Sample	
Gross Alpha .....	\$20.00
Gross Beta .....	\$20.00
Gross Alpha/Beta .....	\$25.00
Gamma Scan .....	\$60.00
10. Radon Measurement .....	\$50.00
11. Any Other Analysis Not Specified Above <sup>11</sup> .....	As necessary to cover the costs
12. Environmental Dosimetry	

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<sup>11</sup>In determining such fees, the Agency shall, as an objective obtain sufficient funds from the fees to pay for a portion of the direct and indirect costs of administering the Radiation Control Act without loss or reduction of the General Fund Allocation to the Agency.

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TLD Bulb	\$50.00 Each
TLD Bulb Analysis .....	\$20.00
13. Personal Services .....	\$50.00/Hour
14. Equipment/Supplies	As necessary to cover the cost of adequately assessing the radiological impact of activities conducted by licensees and registrants on public health and safety and the environment.
15. Smears (wipes) for Removable Contamination (Radioactive Material) .....	\$20.00
16. Leak Test of Sealed Sources	\$20.00

18-010 EMERGENCY RESPONSE FEES: Whenever the Agency provides emergency response capability a fee shall be charged equal to the cost, to include personnel, equipment and supplies.

18-011 NUCLEAR POWER PLANT FEES: Any fee(s) collected pursuant to 180 NAC 18-009 and 18-010 from any Nuclear Power Plant, shall not exceed the lesser of the actual annual costs of such activities or \$36,000.

18-012 FAILURE TO PAY PRESCRIBED FEES

18-012.01 In any case where the agency finds that an applicant for a license or certificate of registration has failed to pay the fee prescribed in this section, the Agency will not process that application until such fee is paid.

18-012.02 In any case where the agency finds that a licensee or registrant has failed to pay a fee prescribed by this section by the due date, the Agency may implement the appropriate compliance procedures.

18-012.03 In any case where the Agency finds that a fixed nuclear facility has failed to pay fees for environmental surveillance and/or emergency planning, emergency response and implementation pursuant to contract within 90 days following date of invoice, the Agency may issue an order to show cause why the services should not be terminated for breach of contract.

18-012.04 In the event the Agency has performed services for or expended funds on behalf of a person who has not reimbursed the Agency after demand, then the Agency may take appropriate legal action to recover amounts.

APPENDIX 18-A

Routine Inspection Intervals For Determination of the Machine Fee, the Routine Inspection Frequency For Radiation Generating Equipment and the Assigned Priority.

	Column 1	Column 2	Column 3
<u>Facility/Type</u>	<u>Priority</u> <sup>12</sup>	<u>Inspection Interval In Years For Fee Determination</u> <sup>13</sup>	<u>Inspection Interval In Years For Radiation Machine</u> <sup>14</sup>
Hospital	I-II	2	1-2
Radiology Clinic	I, II or III	2	1-3
Private Practice	II or III	2	2-3
Chiropractic	II or III	2	2-3
Dental	IV	4	4
Veterinary	IV	4	4
Podiatrists	IV	4	4
Industrial	I-II	1	1-2
Osteopathic	II or III	2	2-3
Colleges & Schools	I or II	2	1-2
Regional Center	II or III	2	2-3
Miscellaneous	I, II or III	2	1-3

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<sup>12</sup>The priority in Column 1 is determined on the basis of facility size, number of patients, number of tubes and personnel. The priority number assigned would coincide with the inspection frequency and may be adjusted in accordance with inspection findings.

<sup>13</sup>The inspection interval in years in Column 2 for fee determination is only used to establish the annual fee that is due. This interval is used in the formula specified in 180 NAC 18-004.02, item 4.b. and is shown in the example of a fee calculation in Appendix 18-B.

<sup>14</sup>The inspection interval in years in Column 3 for radiation machines establishes when the routine inspection frequency is expected. For example, a hospital has a 1-2 year frequency which means that inspections routinely would be conducted within that time frame. However, more frequent inspections may be made if and when conditions and situations warrant the accelerated inspection frequency.

Appendix 18-B

Example of Fee Calculation.

The Annual Fee For Each Certificate of Registration is Calculated Using the Following Formula:

$$\text{Annual Fee} = \text{Base Fee} + \frac{\text{Sum of machines and/or Service fees}}{\text{Inspection Interval}}$$

The Inspection Interval for the Fee determination is Specified in Column 2 in Appendix 18-A.

Example:

1. There are three machines located in a clinic.
  - 1 dental diagnostic x-ray unit
  - 1 diagnostic x-ray unit (radio/fluoro combination)
  - 1 medical diagnostic x-ray unit

The fee would be calculated as follows:

$$\$25 + \frac{(1 \times \$20)}{4} + \frac{(1 \times \$70)}{2} + \frac{(1 \times \$70)}{2} =$$

$$\$25 + \frac{\$20}{4} + \frac{\$140}{2} =$$

$$\$25 + \$5 + \$70 = \$100$$

The annual fee = \$100

2. There are four machines located in a dental office.
  - 4 dental diagnostic x-ray units

The fee would be calculated as follows:

$$25 + \frac{(4 \times \$20)}{4} =$$

$$\$25 + \frac{\$80}{4} =$$

$$\$25 + \$20 = \$45$$

The annual fee = \$45

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3. There is one machine located in a dental office.  
1 dental diagnostic x-ray unit

The fee would be calculated as follows:

$$\$25 + \frac{(1 \times \$20)}{4} =$$

$$\$25 + \frac{\$20}{4} =$$

$$\$25 + \$5 = \$30$$

The annual fee = \$30

## Appendix 018-C

## Examples of Fee Calculation for Uranium Recovery Facility Licenses.

This Example is the same for either an In Situ or a Disposal License.

1. New Application - This is a one-time fee paid upon the submission of the license application. This fee may be adjusted by the appropriate amount specified in 180 NAC 18-006.

## Example:

In Situ License Application .....	\$109,200
<u>In Situ Satellite .....</u>	<u>\$ 35,875</u>
Total for Application.....	\$145,075

If this application contains the request for surface discharge then an additional \$3,435.00 must also be submitted. The total would then be \$148,512.

2. Operational Year Including Renewal. The annual fee consist of the following:

Annual Operational Fee .....	\$109,200
Long-Term Care Fund Payment.....	\$ 65,000
If Surface Discharge is Requested.....	\$ 4,300
<u>Long-Term Care Fund Payment.....</u>	<u>\$ 2,580</u>
Annual Total .....	\$181,080

3. Site Restoration or Reclamation. The annual fee consists of the following:

Annual Restoration Fee.....	\$ 87,360
Long-Term Care Fund Payment.....	\$ 65,000
If Surface Discharge is Requested.....	\$ 3,435
<u>Long-Term Care Fund Payment.....</u>	<u>\$ 2,580</u>
Annual Total .....	\$158,375

This fee is paid annually starting with the commencement of site restoration or reclamation at the conclusion of the operational licensed activities. The operational fee terminates at the conclusion of the operational licensed activities. The fees for site restoration or reclamation are to be paid annually until the restoration or reclamation has been completed.

4. The long-term care fees may be assessed by the Agency beyond the cessation of operational licensed activities, site restoration or reclamation, if necessary, but before termination of the license and closure of the site.